



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,618	07/01/2004	Pauli Haapasalo	11001.138	4325

7590 11/28/2006

Christopher J Fildes  
Fildes & Outland  
Suite 2  
20616 Mack Avenue  
Grosse Pointe Woods, MI 48236

EXAMINER
----------

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
3725	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,618

Applicant(s)

HAAPASALO, PAULI

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

-Regarding the preliminary amendment filed July 1, 2004, in the specification, "*The invention is provides...*" is not grammatically correct, Examiner suggests, --**The invention provides....**--

"knifes" is misspelled through the specification, should be --knives--

Decimal measurements are written as 0,5mm or 1,5mm throughout the specification, should be 0.5mm, 1.5mm, etc...

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for the recitation, "*the knife frame*" (clm. 1) or "*the counter-knife series*" (clm. 6).

Claims 4 and 6, the recitation, "it" renders the claims indefinite; it is not clear what is meant by "corresponding to it" and "the same as it was...". Examiner suggests clear and positive recitation with proper antecedent basis to what "it" refers.

Art Unit: 3725

Regarding claims 6-9, because there is no clear antecedent basis as it relates to the counter-knife series it is not clear how the counter-knife series relates to the claimed invention and the positively recited elements, i.e. counter-knife, reversible knife, clamp and means for securing. Clarification is required.

With regard to claims 6-9, the scope of the claims is not clear. For example, claim 1 is drawn to a knife assembly..., however the preamble of claims 6-9 state, "*A counter knife series...*", because claims 6-9 are dependent upon claim 1, correlation between the preamble of the claims is required. Examiner suggests, --A knife assembly...-- because the recitation, "A counter knife series..." does not find clear antecedent basis within the parent claim(s). In the event the scope of claims 6-9 is different from that of claims 1-5, claims 6-9 should be re-written in independent form including all of the limitations of the parent claim(s). As it relates to claims 6-9 clarifications is required to facilitate a clear understanding of the claimed invention and proper application of the prior art. Although no prior art is applied to claims 6-9 the claims as presently presented are not deemed allowable.

### ***Claim Rejections - 35 USC § 103***

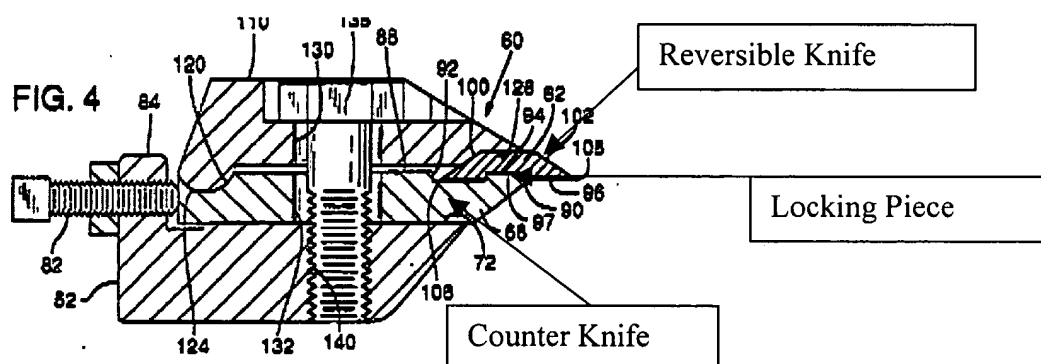
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter et al. (5,271,442). With regard to claims 1-3, Carpenter discloses a knife assembly for a chipper

Art Unit: 3725

(fig. 4) which is intended to be installed in a knife frame forming part of a chipper, which knife assembly includes a counter knife (68), an essentially symmetrical reversible knife (62) having two cutting bevel edges (100, 102) one of which cutting bevel edges extends further than the counter knife from the knife frame, a clamp (110), a securing means (138) at least one locking piece fig. (4) wherein the locking piece is arranged to form a fixed part of the reversible knife in or the counter knife. Carpenter does not disclose the surface of the counter knife arranged to rest on the knife frame to form an acute angle  $\alpha$  the size of which is  $25-75^{\circ}$ , or the clamp having surface arrange to rest on the knife frame to form an acute angle  $\beta$  the size of which is  $40-85^{\circ}$ , bisectors of angles  $\alpha$  and  $\beta$  is a maximum  $20^{\circ}$ . It would have been obvious to the skilled artisan at the time of the invention to one having ordinary skill in the art to construct Carpenter having an angle  $\alpha$  between  $25-75^{\circ}$  and an angle  $\beta$  between  $40-85^{\circ}$ , and bisectors of angles  $\alpha$  and  $\beta$  is a maximum  $20^{\circ}$  because where the general conditions are disclosed in the prior art, determining the optimal or workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233.



With regard to claim 4, as best as can be understood Carpenter discloses a groove and the width of the locking piece is greater than the height of the locking piece.

Art Unit: 3725

With regard to claim 5, Carpenter discloses the counter knife and the clamp are arranged to be supported by a knife frame.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on 571-272-4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSelf  
Patent Examiner  
November 21, 2006